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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,474	02/09/2004	Kazutaka Katayama	MM4648	1355
1109	7590	01/11/2006	EXAMINER	
ANDERSON, KILL & OLICK, P.C. 1251 AVENUE OF THE AMERICAS NEW YORK,, NY 10020-1182			BOCHNA, DAVID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/775,474	<b>Applicant(s)</b> KATAYAMA ET AL.	
	<b>Examiner</b> David E. Bochna	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 13-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 13-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/5/05.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The word "said" should be removed from the abstract.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartholomew '948.

In regard to claim 8, Bartholomew '948 discloses (fig. 5) an integrated assembly comprising: a fluid tube connector 26 having a tube connecting portion of cylindrical geometry

24 and an annular stopper (shoulder from 24 to 26) on the cylindrical outer circumference thereof; a thermoplastic resin tube 10, having an open end through which the tube connecting portion of said fluid tube connector is press fitted to form a tight coupling; and an annular rubber band 54 fitted to the outer circumference of the open end of said resin tube, said annular rubber band having a length equal to about at least the diameter of said cylindrical outer circumference and a diameter such that a tightening force is applied to said resin tube adjacent at the open end into which said tube connecting portion has been press fitting to prevent disengagement therefrom.

In regard to claim 9, wherein said annular rubber band 54 has one end thereof displaced from the connecting end of the resin tube into which the tube connecting portion is press fitted to form an exposed free end of resin tube.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew '948 in view of Silvey.

In regard to claims 1-2, 5 and 10-11, Bartholomew discloses (fig. 5) a connecting structure 26 for affixing an open end of a tube composed from thermoplastic resin material(s) to a tube connecting portion of a quick connector having a cylindrical geometry and at least one annular stopper on the cylindrical outer circumference thereof with said tube connecting portion

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being adapted to be press fitted into said open end of said resin tube; said connecting structure comprising:

an annular band 54 composed of elastomeric rubber surrounding the open end of said resin tube adjacent the location of attachment to said quick connector, said annular rubber band having a length equal to about at least the diameter of said cylindrical outer circumference and a diameter such that a tightening force is applied to said resin tube upon press fitting said tube connecting portion into the open end of said resin tube to prevent disengagement therefrom.

Bartholomew discloses using an annular band as a connection means and a reinforcing layer between the clamp and hose, but Bartholomew does not disclose making the band out of a plurality of layered materials. Silvey teaches making a reinforcing hose 40 out of a plurality of layers of material (two rubber layers 47 and 49 and one fabric 48) in order to increase the strength of the reinforcing material. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the reinforcing band 54 of Bartholomew, as taught by Silvey, in order to improve upon the strength of the reinforcing material.

In regard to claim 2, wherein said annular rubber band 54 has one end thereof displaced from said open end of resin tube into which the tube connecting portion is press fitted to form an exposed free end of resin tube 10.

In regard to claims 3-4, Bartholomew does not disclose that the band extends beyond the tube connecting portion. However, it would have been obvious to one of ordinary skill in the art to extend the length of the band 54 because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

Bartholomew does not disclose that the band 54 extends beyond

In regard to claims 6-7 and 12, further comprising a clamping means 22 for further tightening of the annular rubber band 54.

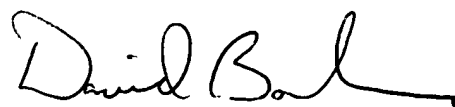
***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Laidig, Quick, Schnabel and Coss all disclose similar couplings common in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David E. Bochna  
Primary Examiner  
Art Unit 3679